

### **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed March 22, 2007 rejected claims 1-20 and 22-35. This is a full and timely response to that outstanding Office Action.

#### **I. Present Status of Patent Application**

Claims 1-3, 6-10, 12, 14, 16-19, 23-25, 27, 29, 32, and 34 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250). Claim 4 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Chuah, et al.* (U.S. Patent No. 6,400,722). Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Kozdon, et al.* (U.S. Patent No. 6,456,601). Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Rogers, et al.* (U.S. Patent No. 6,301,484). Claims 13, 20, and 22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). Claims 15, 26, and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in

further view of *Lewis* (U.S. Patent No. 6,513,019). Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Ooe* (U.S. Patent No. 6,330,238). Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019) in further view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). These rejections are respectfully traversed.

## II. Rejections Under 35 U.S.C. §103(a)

### A. Claims 1-15

The Office Action rejects claims 1-3, 6-10, 12, and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250). The Office Action rejects claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Chuah, et al.* (U.S. Patent No. 6,400,722). The Office Action rejects claim 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Kozdon, et al.* (U.S. Patent No. 6,456,601). The Office Action rejects claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Rogers, et al.* (U.S. Patent No. 6,301,484). The Office

Action rejects claim 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). The Office Action rejects claim 15 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019). For at least the reasons set forth below, Applicant respectfully traverses the rejections.

**Independent claim 1** recites:

1. A method for sending electronic mail from a client operating within a client-server architecture, the method comprising:
  - (a) provisioning the client with client non-email broadcast text messaging software;
  - (b) provisioning a server with server non-email broadcast text messaging software, wherein the server is in communication with the client;
  - (c) ***broadcasting from the client a text message in a format of the non-email broadcast text messaging software, wherein the text message contains the electronic mail;***
  - (d) receiving the text message at the server;
  - (e) reformatting the text message from the format of the non-email broadcast text messaging software to a format compatible with an email server; and
  - (g) forwarding the reformatted text message to the email server;  
wherein broadcasting includes transmitting a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that claim 1 patentably defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must

disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **broadcasting from the client a text message in a format of the non-email broadcast text messaging software, wherein the text message contains the electronic mail**. Even if, assuming for the sake of argument, *Brown* discloses a voicemail system converting a voice message into an electronic mail format and addressing the message to the SMTP host, it fails to disclose that the text message contains the electronic email. Even if, assuming for the sake of argument, *Troen-Krasnow* discloses that the message received by the recipient's equipment can include an email, it fails to teach *broadcasting* a text message containing the electronic email. Instead, *Troen-Krasnow* teaches that a subscriber uses a voice device, message device, or data device to provide the message to the broadcast unit, without teaching or suggesting that the subscriber/subscriber device *broadcasts* the text message to the message broadcast unit.

Additionally, it would not be obvious to one of ordinary skill in the art, nor is it practicable to combine the teachings of *Brown*, a voicemail system, with the teachings of *Troen-Krasnow*, a text messaging system. They use completely different protocols and sending and delivery methods. Applicant respectfully submits that any combination of *Brown* and *Troen-Krasnow* would not lead to an

embodiment of the claims, but, instead, a dual voicemail/text messaging system that would not make claim 1 obvious. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-15 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-15 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-15 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 4, *Chuah* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Further, with regard to claim 5, *Kozdon* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 11, *Rogers* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 13, *Bookspan* does not make up for the deficiencies of *Troen-Krasnow* noted above. With regard to claim 15, *Lewis* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claims 4, 5, 11, 13, and 15 are considered patentable over any combination of these documents.

B. Claims 16-20 and 22-28

The Office Action rejects claims 16-19, 23-25, and 27 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250). The Office Action rejects claims 20 and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). The Office Action rejects claim 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019). The Office Action rejects claim 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Ooe* (U.S. Patent No. 6,330,238). For at least the reasons set forth below, Applicant respectfully traverses the rejections.

**Independent claim 16** recites:

16. A system for sending an electronic mail from a client in a client-server architecture, the system comprising:
- (a) a plurality of clients, wherein each client of the plurality of clients contains client non-email broadcast text messaging software, data processing software, and a client application program interface, and wherein each client is in communication with the plurality of clients;
  - (b) a non-email text messaging server in communication with the plurality of clients, wherein the non-email text messaging server contains ***server non-email broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message containing the electronic mail and reformat the text message from a format compatible with the server non-email broadcast text messaging software to a format compatible with an email server;*** and
  - (c) an email server in communication with the text messaging server; wherein the broadcast text messaging software is configured to transmit a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that claim 16 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 16 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **server non-email broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message containing the electronic mail and reformat the text message from a format compatible with the server non-email broadcast text messaging software to a format compatible with an email server.**

Even if, assuming for the sake of argument, *Brown* discloses a voicemail system converting a voice message into an electronic mail format and addressing the message to the SMTP host, it fails to disclose that the text message contains the electronic email. Even if, assuming for the sake of argument, *Troen-Krasnow* discloses that the message received by the recipient's equipment can include an email, it fails to teach *broadcasting* a text message containing the electronic email. Instead, *Troen-Krasnow* teaches that a subscriber uses a voice device, message device, or data device to provide the message to the broadcast unit, without teaching or suggesting that the subscriber/subscriber device *broadcasts* the text message to the message broadcast unit.

Additionally, it would not be obvious to one of ordinary skill in the art, nor is it practicable to combine the teachings of *Brown*, a voicemail system, with the teachings of *Troen-Krasnow*, a text messaging system. They use completely different protocols and sending and delivery methods. Applicant respectfully submits that any combination of *Brown* and *Troen-Krasnow* would not lead to an embodiment of the claims, but, instead, a dual voicemail/text messaging system that would not make claim 16 obvious. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 16, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 16 is allowable over the cited references of record, dependent claims 17-20 and 22-28 (which depend from independent claim 16) are allowable as a matter of law for at least the reason that dependent claims 17-20 and 22-28 contain all the features of independent claim 16.



Therefore, the rejection to claims 17-20 and 22-28 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 20 and 22, *Bookspan* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Further, with regard to claim 26, *Lewis* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 28, *Ooe* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claims 20, 22, 26, and 28 are considered patentable over any combination of these documents.

C. Claims 29-33

The Office Action rejects claims 29 and 32 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250). The Office Action rejects claim 30 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019). The Office Action rejects claim 31 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Ooe* (U.S. Patent No. 6,330,238). The Office Action rejects claim 33 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019) in further view of *Bookspan, et al.*

(U.S. Patent No. 6,636,888). For at least the reasons set forth below, Applicant respectfully traverses the rejections.

**Independent claim 29** recites:

29. A method for sending an electronic mail comprising:
- (a) ***broadcasting from a client computer a text message in a broadcast format, wherein the text message contains the electronic email***, wherein the client computer is part of a client-server architecture, and wherein the client computer does not have electronic mail software;
  - (b) receiving the text message at a server computer of the client-server architecture;
  - (c) reformatting the text message from the broadcast format to an email format; and
  - (d) forwarding the reformatted text message to an email server that is compatible with the email format;
- wherein broadcasting includes transmitting a text message from a single component on a network.

(Emphasis added).

Applicant respectfully submits that claim 29 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 29 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **broadcasting from a client computer a text message in a broadcast format, wherein the text message contains the electronic email**. Even if, assuming for the sake of argument, *Brown* discloses a voicemail system converting a voice message into an electronic mail format and addressing the message to the SMTP host, it fails to disclose that the text message contains the

electronic email. Even if, assuming for the sake of argument, *Troen-Krasnow* discloses that the message received by the recipient's equipment can include an email, it fails to teach *broadcasting* a text message containing the electronic email. Instead, *Troen-Krasnow* teaches that a subscriber uses a voice device, message device, or data device to provide the message to the broadcast unit, without teaching or suggesting that the subscriber/subscriber device *broadcasts* the text message to the message broadcast unit.

Additionally, it would not be obvious to one of ordinary skill in the art, nor is it practicable to combine the teachings of *Brown*, a voicemail system, with the teachings of *Troen-Krasnow*, a text messaging system. They use completely different protocols and sending and delivery methods. Applicant respectfully submits that any combination of *Brown* and *Troen-Krasnow* would not lead to an embodiment of the claims, but, instead, a dual voicemail/text messaging system that would not make claim 29 obvious. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 29, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 29 is allowable over the cited references of record, dependent claims 30-33 (which depend from independent claim 29) are allowable as a matter of law for at least the reason that dependent claims 30-33 contain all the features of independent claim 29. Therefore, the rejection to claims 30-33 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 30, *Lewis* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Further, with regard to

claim 31, *Ooe* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 33, *Lewis* and *Bookspan* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claims 30, 31 and 33 are considered patentable over any combination of these documents.

D. Claims 34-35

The Office Action rejects claim 34 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250). The Office Action rejects claim 35 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in further view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019) in further view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). For at least the reasons set forth below, Applicant respectfully traverses the rejections.

**Independent claim 34** recites:

34. A system for sending an electronic mail from a client in a client-server architecture, the system comprising:

- (a) ***means for broadcasting from a client computer a text message in a non-email broadcast format, wherein the text message contains the electronic email***, wherein the client computer is part of a client-server architecture;
- (b) means for receiving the text message at a server computer of the client-server architecture;
- (c) means for reformatting the text message from the non-email broadcast format to an email format; and
- (e) means for forwarding the reformatted text message to an email server that is compatible with the email format;

wherein broadcasting includes transmitting a text message from a single network component to all components on a network. (Emphasis added).

Applicant respectfully submits that claim 34 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 34 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **means for broadcasting from a client computer a text message in a non-email broadcast format, wherein the text message contains the electronic email**. Even if, assuming for the sake of argument, *Brown* discloses a voicemail system converting a voice message into an electronic mail format and addressing the message to the SMTP host, it fails to disclose that the text message contains the electronic email. Even if, assuming for the sake of argument, *Troen-Krasnow* discloses that the message received by the recipient's equipment can include an email, it fails to teach *broadcasting* a text message containing the electronic email. Instead, *Troen-Krasnow* teaches that a subscriber uses a voice device, message device, or data device to provide the message to the broadcast unit, without teaching or suggesting that the subscriber/subscriber device *broadcasts* the text message to the message broadcast unit.

Additionally, it would not be obvious to one of ordinary skill in the art, nor is it practicable to combine the teachings of *Brown*, a voicemail system, with the

teachings of *Troen-Krasnow*, a text messaging system. They use completely different protocols and sending and delivery methods. Applicant respectfully submits that any combination of *Brown* and *Troen-Krasnow* would not lead to an embodiment of the claims, but, instead, a dual voicemail/text messaging system that would not make claim 34 obvious. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 34, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 34 is allowable over the cited references of record, dependent claim 35 (which depends from independent claim 34) is allowable as a matter of law for at least the reason that dependent claim 35 contains all the features of independent claim 34. Therefore, the rejection to claim 35 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 35, *Lewis* and *Bookspan* do not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claim 35 is considered patentable over any combination of these documents.

**III. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

### **CONCLUSION**

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 and 22-35 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

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